

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

DAVID SAFFORD, :  
 :  
 Plaintiff, :  
 :  
 v. : Civil Action No. 06-692-JJF  
 :  
 DAVID R. FAVATA, SHERYL RUSH- :  
 MILSTEAD, and DELAWARE :  
 DEPARTMENT OF CORRECTION, :  
 :  
 Defendants. :

O R D E R

NOW THEREFORE, at Wilmington this 20 day of February,  
2007, IT IS HEREBY ORDERED that:

1. The Complaint is DISMISSED WITHOUT PREJUDICE as  
frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B) and §  
1915A(b)(1). Amendment of the Complaint would be futile. See  
Grayson v. Mayview State Hosp., 293 F.3d 103, 111 (3d Cir. 2002);  
Borelli v. City of Reading, 532 F.2d 950, 951-52 (3d. Cir. 1976).

2. Plaintiff is not required to pay any previously  
assessed fees or the \$350.00 filing fee. The Clerk of the Court  
is directed to send a copy of this Order to the appropriate  
prison business office.

  
UNITED STATES DISTRICT JUDGE